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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,642	04/02/2004	Herbert Huttlin	03928-P0006A	1065

24126 7590 11/28/2007  
ST. ONGE STEWARD JOHNSTON & REENS, LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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11/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/816,642	Applicant(s) HUTTLIN, HERBERT	
	Examiner Brenda A. Lamb	Art Unit 1792	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 16-26 and 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 16-25, 33 and 34 is/are allowed.
- 6) ☒ Claim(s) 26, 35 and 39 is/are rejected.
- 7) ☒ Claim(s) 28-32, 36-38 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Herfeld 4,002,325.

Herfeld teaches the design of an apparatus as shown in Figures 4-5 for treating particulate material, comprising: a container having a process chamber as defined by a plurality of walls including container portion 4 and a container central duct 9 separated from the process chamber, the container further having a longitudinal mid-axis; the process chamber being arranged around the longitudinal mid-axis of the container and being formed as an annular chamber, the process chamber further having a lower region and an upper region which is open; the container central duct forming a flow duct for process air, container central duct opening immediately into the lower region of the process chamber such that air flows from upper end to lower end of the duct, and communicating with the upper open region of the process chamber so as to conduct the process air in at least one first operating state, by the container central duct widening

circumferentially and opening towards the upper region of the process chamber. Herfeld shows in Figure 5 that the fan has blades having radial outer ends which at least partly project into the opening area of the container central duct into the process chamber. Thus Herfeld teaches every element of the claimed apparatus set forth in claim 26. With respect to claim 35, Herfeld container is connectable or able to be connected to a external process air feed system which includes pipe 24 and also has a feed air duct 25 so as to conduct or channel a fluid such as air which is an interconnected part of the apparatus which includes the container central duct.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herfeld 4,002,325.

Herfeld is applied for the reason noted above. In the embodiment depicted in Figure 4-5, Herfeld fails to teach a filter connected in the manner set forth above. However, Herfeld shows in Figure 3 a filter which is an interconnected part of the apparatus and extends above the process chamber as defined by a plurality of walls including container portion 4 and the filter is part of the flow path of the material. Therefore, it would have been obvious to modify Herfeld embodiment as depicted in Figures 4-5 by connecting the air feed system to a filter in the manner set by Herfeld as depicted in Figure 3 for the taught of improved air and particle separation.

Applicant's arguments filed 1/19/2007 and 9/12/2007 have been fully considered but they are not persuasive.

Applicant's argument that Herfeld fails to teach its fan blades at least partly project into the opening area of the container central duct into the process chamber

since the blades do not project into the process chamber is found to be non-persuasive since it is commensurate in scope with claim language. The term "into" as defined by Dictionary.com Unabridged is defined as "to the inside of" and therefore the recitation that the radial outer ends of the fan blades at least partly project "into" the opening area of the container central duct into the process chamber is read on the fan blades being positioned to the inside of the container central duct and the container central duct is in turn is positioned to the inside of the process chamber.

Claims 28-32,36-38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11, 16-25 and 33-34 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday. The examiner can also be reached on alternate Wednesdays.

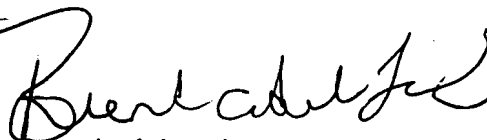
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Brenda A Lamb". The signature is fluid and cursive, with a large initial "B" and a stylized "L" at the end.

Brenda A Lamb  
Examiner  
Art Unit 1734